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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,466	06/28/2000	Yasuaki Yamagishi	SUGI-T0731	6096

7590

07/28/2005

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EXAMINER

HU, JINSONG

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/605,466

Applicant(s)

YAMAGISHI ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 4-32 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeyaraman (US 6,311,187 B1) in view of Nakamura (Pub.No. 2003/0140136).

4. As per claims 4-6, Jeyaraman teaches the invention as claimed including a transmitting apparatus comprising a transmitting device for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data [col. 1, lines 17-22], comprising:

managing means for managing a hierarchical structure of a directory [Fig. 6A-6K] composed of a container entry [D, Fig. 6A] and a leaf entry [Se, Fig. 6A], a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical level of a container entry, a

Art Unit: 2154

leaf entry not containing information in the immediately lower hierarchical level thereof [col. 8, lines 14-29];

detecting means for detecting a change of the hierarchical structure of the directory managed by said managing means and obtaining first difference information and second difference information corresponding to the detected result [col. 2, lines 10-12; col. 5, lines 7-8], the first difference information being the difference of container entries, the second difference information being the difference of leaf entries [col. 9, line 40 – col. 10, line 15; col. 406, Fig. 4; col. 14, lines 44-46]; and

transmitting means for transmitting said first difference information, said second difference information and third difference information for reproducing the hierarchical structure of the directory at a predetermined time period independent of said first difference information and said second difference information [408, Fig. 4; col. 2, lines 13-16; col. 14, lines 47-51],

wherein the predetermined time period being variably designated in accordance with operating state information of a receiving side [120, Fig. 1; col. 7, lines 19-24].

5. However, Jeyaraman does not specifically disclose the step of collecting the state information by monitoring operating states of at least one of a receiving side. However, Nakamura on the other hand teaches the step of collecting the state information by monitoring operating states of at least one of a receiving side [abstract; col. 1, paragraph 13]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Jeyaraman and

Nakamura because utilizing Nakamura's state information collecting step in Jeyaraman's system would increase the throughput of the entire system by avoiding transmitting data to user when the user's system is in unavailable or overload state. One of ordinary skill in the art would have been motivated to modify Jeyaraman's system with Nakamura's state information collecting step to increase the efficiency of the system.

6. As per claims 7-10, Jeyaraman teaches the third difference information is composed of information of container entries of the hierarchical structure of the directory and leaf entries in the immediately lower hierarchical level of each of container entries [col. 2, lines 13-16] and a predetermined time period [col. 7, lines 20-24].

7. As per claim 11, Jeyaraman teaches the invention as claimed including a transmitting method [col. 1, lines 17-22], comprising:

transmitting the same contents of update information a plurality number of times, the update information [230, Fig. 2] representing that data has been updated [col. 2, lines 16-18; col. 5, lines 14-16],

wherein the transmission timing of the same contents of the update information transmitted at the transmitting steps is predetermined in accordance with operating state information [120, Fig. 1] of receiving means [106, Fig. 1] that receives the update information from said transmitting means [col. 2, lines 1-24; col. 5, lines 6-16].

Art Unit: 2154

8. However, Jeyaraman does not specifically disclose the step of collecting the state information by monitoring operating states of at least one of a receiving side. However, Nakamura on the other hand teaches the step of collecting the state information by monitoring operating states of at least one of a receiving side [abstract; col. 1, paragraph 13]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Jeyaraman and Nakamura because utilizing Nakamura's state information collecting step in Jeyaraman's system would increase the throughput of the entire system by avoiding transmitting data to user when the user's system is in unavailable or overload state. One of ordinary skill in the art would have been motivated to modify Jeyaraman's system with Nakamura's state information collecting step to increase the efficiency of the system.

9. As per claim 12, Jeyaraman teaches the transmitting apparatus is a transmitting device for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data [col. 1, lines 17-22], comprising:

managing means for managing a hierarchical structure of a directory [Fig. 6A-6K] composed of a container entry [D, Fig. 6A] and a leaf entry [Se, Fig. 6A], a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical level of a container entry, a leaf entry not containing information in the immediately lower hierarchical level thereof [col. 8, lines 14-29];

detecting means for detecting a change of the hierarchical structure of the directory managed by said managing means and obtaining first difference information and second difference information corresponding to the detected result [col. 2, lines 10-12; col. 5, lines 7-8], the first difference information being the difference of container entries, the second difference information being the difference of leaf entries [col. 9, line 40 – col. 10, line 15; col. 406, Fig. 4; col. 14, lines 44-46]; and transmitting means for transmitting third difference information for reproducing the hierarchical structure of the directory at a predetermined time period along with the first difference information and the second difference information [408, Fig. 4; col. 2, lines 13-16; col. 14, lines 47-51], wherein the predetermined time period is variably designated corresponding to the operating state information of a receiving side [120, Fig. 1; col. 7, lines 19-24].

10. As per claims 13-19, since they introduce the same limitation as claims 4-10 from different prospective respectively [i.e., receiving side], they are rejected for the same basis as claims 4-10 above.

11. As per claim 20, since it is a method claim of claim 13, it is rejected for the same basis as claim 13 above.

12. As per claims 21-32, since they are system and method claims of combination of claims 4-10 and 13-19, they are rejected for the same basis as claims 4-10 and 13-19 above.

**Conclusion**

13. Applicant's arguments filed on 5/6/05 for claims 4-32 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that (1) Jeyaraman does not teach the predetermined time interval is variably designated; (2) Combination of Jeyaraman and Nakamura still do not teach the predetermined time interval is variably designated in accordance with operating state.

14. Examiner respectfully traverses applicant's remarks:

A. As to points (1) and (2), applicant fails to consider the teaching of the Jeyaraman for repeating the updating process at any time interval from several seconds to many days [col. 7, lines 22-23], i.e., the time interval is a predetermined time period. Nakamura teaches collecting the state information by monitoring operating states of at least one of a receiving side [abstract; col. 1, paragraph 13]. It is obvious to an ordinary skill in the art to combine teachings of both references to make the system enable to designate a predetermined time period in accordance with operating state. Thus, both references are still relevant prior art.

15. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE



Art Unit: 2154

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Jinsong Hu

July 22, 2005

  
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